

## UNITED STATES DISTRICT COURT

for the

Northern District of OhioEastern Division

FILED

NOV 17 2022

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
AKRONCase No. **5 : 22 CV 2074**

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

JUDGE LIOI

MAG. JUDGE HENDERSON

Richard Waterhouse

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"See Attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants

1. Akron Police Department, et al
2. Summit County Prosecutors office
3. NorthCoast Behavior Healthcare

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Richard Waterhouse  
 Address 1756 Sagamore Rd # A2  
Northfield OH 44067  
City State Zip Code  
 County Summit  
 Telephone Number 330-467-7131  
 E-Mail Address N/A

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name Akron Police Department  
 Job or Title (if known) Entity  
 Address 217 S. High St  
Akron OH 44308  
City State Zip Code  
 County Summit  
 Telephone Number 330-643-2900 - 330-375-2552  
 E-Mail Address (if known) N/A  
☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name Summit County Prosecutors Office  
 Job or Title (if known) Entity  
 Address 53 University  
Akron OH 44308  
City State Zip Code  
 County Summit  
 Telephone Number 330-643-2800  
 E-Mail Address (if known) N/A  
☐ Individual capacity ☒ Official capacity

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name Northcoast Behavioral Healthcare  
 Job or Title (if known) Entity  
 Address 1756 Sagamore Rd  
Northfield OH 44067  
City State Zip Code  
 County Summit  
 Telephone Number 330-467-7131  
 E-Mail Address (if known) N/A

☐ Individual capacity ☒ Official capacity

## Defendant No. 4

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip Code  
 County \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-Mail Address (if known) \_\_\_\_\_

☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4<sup>th</sup> Amendment: right to security against unreasonable search and seizure, and  
6<sup>th</sup> Amendment: right to a speedy and public trial / Speedy Trial Act 1974

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All 3 Defendants acted under color of the Ohio Revised Code §  
2923.02 / 2911.12(A)(2), 2911.12(D), 2919.27(A)(1), 2919.27(B)(4)

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur? ~~Began 502 Fulmer Ave in Akron,~~  
(A) Triplet Avenue and Fulmer Ave in Akron, Ohio  
(B) Summit County Jail, and  
(C) Northcoast Behavioral Healthcare

- B. What date and approximate time did the events giving rise to your claim(s) occur?

June 9th 2021 at 3:45pm unto present

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached

Facts of the Claim

On June 9<sup>th</sup>, 2021 at approximately 3:45 pm, I was pulled over by Akron Police officers at the corner of Triplet and Fulmer Ave in Akron in my 2003 E-150 Chevy Van. I was unreasonably seized physically from my mobile vehicle. My vehicle was then unreasonably searched while I was unlawfully seized physically and taken into custody by the Akron Police Department. I was transported to Summit County Jail. My mobile vehicle and personal effects contained therein were unlawfully handed off to the complainant against me. There was around \$15,000 worth of trade tools in the vehicle.

Since this date, I have been maintained in excessive pretrial detainment based on this unreasonable seizure of my physical person. I have been held privately by Northcoast Behavioral Healthcare in violation of the public trial clause. Overall, I have been ~~excessively detained~~ pretrial in violation of the Speedy Trial Act of 1974 by Summit County Jail and Northcoast Behavioral Healthcare for a total of 17 months and counting.

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

17 Months unlawful pretrial detainment  
Theft of vehicle and personal property contained therein  
Loss of personal security  
Loss of possessions totaling \$15,000  
Loss of Liberty 17 months

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#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am seeking \$15,000 in actual damages for personal property and mobile vehicle lost in process of 4<sup>th</sup> Amendment violation, and I am seeking \$2.6 million dollars for 17 months loss of liberty for unlawful pretrial detainment, and \$385,000 for loss of personal Constitutional security.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/26/22

Signature of Plaintiff

Printed Name of Plaintiff

Richard Waterhouse  
RICHARD WATERHOUSE

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address